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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,732	09/22/2003	Makoto Nagase	Q77603	4670
23373	7590	06/20/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HSIEH, SHIH WEN	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/665,732

Applicant(s)

NAGASE, MAKOTO

Examiner

Shih-wen Hsieh

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2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-11-04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al. (US Pat. No. 5,706,038).

In regard to:

Claim 1:

Jackson et al. teach:

A liquid ejecting apparatus, comprising:

a carriage (38, fig. 1), reciprocating, refer to col. 3, lines 64-66;

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a liquid ejecting head (34 or 36, figs. 1 and 3), mounted on the carriage, and having a nozzle forming face (76, fig. 3) from which liquid (84, fig. 3) is ejected, refer to col. 3, lines 48-66; and

a wiping member (60, figs. 2 and 3), wiping the nozzle forming face in accordance with a movement of the carriage, refer to col. 4, line 41+,

wherein the wiping member includes:

a body part (64, figs. 2 and 3);

a wiping part (65, figs. 2 and 3), formed at a tip of the body part for abutting the liquid ejecting head; and

a support part (70, figs. 2 and 3), supporting the body part, refer to col. 4, lines 50-57; and col. 5, lines 14-25.

Claim 3:

Jackson et al. further teach:

wherein the support pad is provided on a side face of the wiping part, refer to fig. 3, where the support part (70) is provided on the left face of the wiping part.

Claim 4:

Jackson et al. further teach:

wherein the side face of the wiping part is a face opposite to the face which the liquid ejecting head abuts, refer to fig. 3, where the right face of the wiping part abuts the nozzle plate (76), and the support part is provided on the right face of the wiping part.

Claim 5:

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The liquid ejecting apparatus as set forth in claim 1, wherein the support part is provided in the wiping part.

Rejection:

This claim is rejected on the basis as set forth for claims 3 and 4 discussed above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al.

In regard to:

Claim 2:

The device of Jackson et al. DIFFERS from claim 2 in that it does not teach:  
wherein the support part is formed so that a sectional area of the support part parallel with a bottom face of the support part becomes smaller toward the tip from the bottom face.

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This claim concerns the shape of the support part similar to those in claims 8-10, only the recitation in this claim is a in a broad sense, where claims 8-10 recite exact shape, i.e., cone shape (claim 8); pyramid shape (claim 9) and triangular pole shape (claim 10).

Therefore it would have been an obvious matter of design choice to design a shape of the support part, as the support part to support the wiper, since such a modification would have involved a mere change in the shape of the support part. A change of shape of a component, such as the support part of the wiper, is generally recognized as being within the level of ordinary skill in the art, refer to MPEP 2144.04 IV B.

Claims 6 and 7:

The device of Jackson et al. DIFFERS from claim 2 in that it does not teach:

wherein the support part has an elastic coefficient larger than that of the wiping part (claim 6); and

wherein the support part has the same elastic coefficient as that of the wiping part (claim 7).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to select known materials for the support part and the wiping part, since it has been held to be within the general skill of a worker in the art to select known materials on the basis of its suitability for the intended use, refer to MPEP 214.07.

Claims 8-10:

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wherein the support part has a cone shape (claim 8);

wherein the support part has a pyramid shape (claim 9); and

wherein the support part has a triangular pole shape (claim 10).

Rejection:

These three claims are rejected on the basis as set forth for claim 2 discussed above.

Claim 11:

The device of Jackson et al. DIFFERS from claim 11 in that it does not teach:

wherein the support part is a plurality of support parts.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make more than one support part as that taught by Jackson et al., since it has been held that merely made more than one of a component, in this case, the support part to the wiper, involves only routine skill in the art, refer to MPEP 2144.04 VI B.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Talbott can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

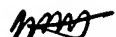
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SHIH-WEN HSIEH**  
**PRIMARY EXAMINER**

  
Shih-wen Hsieh  
Primary Examiner  
Art Unit 2861

SWH

  
June 16, 2005